73

Confidential

Council Chamber,
Fort St.George,
Madras, 24th Oct.1923.

Dear Mr. Banerji,

With reference to your two letters Nos.M.213 and M.221/4 dated the 12/13th and 18th October respectively and the agreement and annexures enclosed in those letters, the first observation that I desire to make is that my Government shares with you the satisfaction expressed in them and in your address to the Representative Assembly that our technical advisers have, with the assistance of Mr. Gebbie, reached an agreement on many vital points connected with the negotiations that have been proceeding between the Madras Government and the Mysore Durbar.

As to the question of the Mekadatu I think that the course referred to in your second letter, namely, a personal discussion, would afford the best means for its solution. Until the Madras Elections are over and the nominations are made and the new Government is formed I fear very much that it will not be possible for me to move from Madras and I shall therefore be greatly obliged if you will make it convenient to come here on any day that will suit you before the 3rd week of November when I propose to leave for Pondicherry. In the meantime however I think it is my duty to make a few observations on the general question of Mekadatu so that you may bestow your attention on the topics adverted to by me.

You will no doubt realise that at a particular stage of the negotiations when the specific question debated between the parties was as to the extent of irrigation under the Kabbini up to a maximum of 30,000 acres it was proposed that the Madras Government should "give up all the rights over the water of Mekadatu and allow extra irrigation of 30,000 acres over the Kabbini." Thereupon Col. Morin offered certain terms which included the two following, namely,

(a) that the Mysore Government should agree not to extend irrigation under the Cauvery and its tributaries above a maximum limit

75'

limit of 30,000 acres over and above the quantity of land under irrigation in the year 1910, and the irrigation permissible under the agreement of the two Chief Engineers;

(b) that the Madras Government should agree to the Mysore Government utilising the full flow of the water at Mekadatu for developing power without payment to the Madras Government for such use of the water.

It is obvious from a consideration of the posture of affairs at that moment that the problem that presented itself to the two Governments was essentially and vitally different from the solution now happily reached between them when the question of limitation of the Kabbini irrigation up to 30,000 acres has been jettisoned and terms very different therefrom and much more favourable to Mysore on the whole have been arranged. It may not be out of place to remark further that from the moment that the two Governments opened the negotiations on the basis of a mutual limitation of irrigation and indeed even during the Bangalore conference at which Sir Charles Todhunter and myself were present and later on at the technical conference at which Mr. Gebbie assisted, this question of Mekadatu was, according to my recollection and that of my Hon'ble Colleague and of the officers who have been collaborating with me, never put forward by either party. It may be added that the further negotiations commenced after the rejection of the terms offered in Col. Morin's letter. It by no means follows that the two Government cannot even now reach an agreement on this question but I trust you will agree that it is a matter for separate adjustment between our two Governments.

There is another point which I very strongly urge for your consideration, namely that if now we attempt to bring about a consolidated agreement purporting to recite the history of all the negotiations we shall be confronted with difficulties at every stage inasmuch as divergent constructions have been put on many letters that have passed between the two Governments and upon almost

77

almost every word of the 1892 agreement. Now it seems to me that if we go on disaussing the aptness of the draftsmanship in the matter of the various clauses beginning with "Whereas", we shall spend--and I venture to suggest unprofitably spend--a great deal of time in disputation over the past history of the negotiations. What I therefore propose(and I trust that this will meet with your acceptance) is that our two Governments should ratify the agreement in the form in which it has been signed by both sets of technical advisers and as it stands. I shall illustrate some of the difficulties of alternative course proposed by you.

Preamble--4th paragraph: Taking this preamble you will remember that one of the Madras contentions was that the arbitration was not in accordance with clause 4 of the 1892 agreement and therefore our lawyers and Engineers demand a suitable modification of this paragraph.

Paragraph 8: The term used here is "Cauvery and its tributaries"; there is a strong objection raised to this. You will remember that in the Hon. the Resident's letter referred to in your communication the expression used was "Cauvery and its tributaries in Mysore",and indeed it must be apparent that the agreement cannot affect reservoirs or extensior of irrigation under tributaries of the Cauvery situated entirely in the Madras territory. I am further instructed that at the conference of the technical advisers the question of including the words "tributaries such as the Bhavani and other streams" was brought forward and was dropped on the emphatic advice of Mr. Gebbie. Furthermore, there was no question raised at any time of the restrictions as to the legitimate increase of the old Delta irrigation by improvement of duty etc. Lastly there is no reference in the technical officers' agreement to the effective capacity of the Metur reservoir but only the area of irrigation was fixed. As to capacity it is an engineering detail and we cannot say anything before the approval of the Government of India is obtained to our proposals from an engineering point of view.

*Now I do not propose to express a final opinion on any one of the matters indicated above nor do I ask you to come to any definite conclusion on them, but you will realize that if we purport to do more than to ratify the agreements that have been reached after strenuous endeavour by our technical advisers, we shall embark on a series of discussions which really may not be matters of practical politics today but which may have important bearings in the future. With the concurrence of my Hon'ble Colleagues I am in a position to tell you that my Government will ratify the technical agreements and surely this forward step can be taken at once leaving the question of entering into a consolidated agreement , if one is deemed necessary, for later research and discussion.*

*I am,*

*Yours sincerely,*

*(Signed) C.P. Ramaswami Aiyar.*

*A.R. Banerji, Esq., C.S.I., C.I.E.,*
*Dewan of Mysore.*

*"C o p y"*